



Received
in Chambers of:
U.S. District Judge
DORA L. IRIZARRY

MAR 30 2010

U.S. Department of Justice

- Copy Corp.
Original Filed Electronically
Under Seal

United States Attorney
Eastern District of New York

MLM:JHK/BWB
F.#2006R00688

271 Cadman Plaza East
Brooklyn, New York 11201

March 30, 2010

By Hand Delivery (to be filed under seal)

Mildred Whalen, Esq.
Len Kamdang, Esq.
Federal Defenders of New York, Inc.
Eastern District of New York
One Pierrepont Plaza
Brooklyn, New York 11201

Re: United States v. Russell Defreitas et al.
Criminal Docket No. 07-543 (DLI)

Dear Ms. Whalen and Mr. Kamdang:

The government provides the following information in response to your request for information regarding threats made by your client while incarcerated at the Metropolitan Detention Center ("MDC"). As we have previously stated, the government does not intend to introduce this information at trial, however, the government did reference these threats in its motion for an anonymous jury.

The government interviewed a witness ("W1") that was previously housed at the MDC with Defreitas. According to W1, Defreitas told him that he had two defense attorneys in his case. The first attorney was "black" and his second attorney is "Jewish." Defreitas told W1 that he wants his Jewish attorney dead because she is the reason his first attorney was removed from his case.

According to W1, Defreitas also stated that he wanted to have a witness named "Rutherford" killed. Defreitas stated that co-defendant Abdel Nur told him that Rutherford was brought to the United States from Guyana to be a witness at trial. Defreitas instructed W1 to contact Defreitas' wife in Guyana and tell her "the old man on the bike" sent it.

According to W1, Defreitas also threatened an unnamed prosecutor. Defreitas said that Nur insisted that the prosecutor "had to go." Defreitas told W1 that Ali Mohammed from the mosque would take care of the prosecutor and Defreitas' wife in Guyana would take care of the witness. Defreitas informed W1 that his

reward for delivering these messages would be promotion in the Muslim ranks and an introduction to Defreitas' contacts.

The government also interviewed a witness ("W2") that was housed with Defreitas at the MDC. According to W2, Defreitas approached him about killing a witness named Steve Francis, also known as Anas. Defreitas told W2 that he originally believed there were about one hundred and fifty hours of recordings being used against him, however, he recently learned that there were over three hundred hours of recordings. Defreitas informed W2 that the only way to beat the case now was to have Francis killed.

According to W2, Defreitas learned that Francis opened a barber shop on Myrtle Avenue and Broadway. Defreitas also told W2 that he knew where Francis prayed and that he lived in Astoria, Queens. Defreitas informed W2 that he was trying to get the address to Francis' house.

Defreitas told W2 that an associate of his named Harry Baptiste would pay W2 for killing Francis. Defreitas wrote down Baptiste's phone number on a piece of paper for W2. Defreitas also gave W2 the name and information for Defreitas' wife, and said that if W2 could not get in touch with Baptiste, Defreitas' wife could.

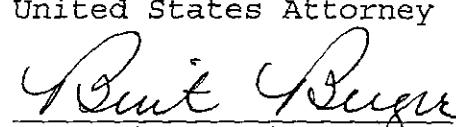
According to W2, Defreitas wanted W2 to have one of his "brothers" on the outside shoot Francis. Once the job was complete, W2 would call Baptiste and inform him that he had just done the favor for Defreitas and Baptiste would get W2 the money.

If you have any questions or further requests, please do not hesitate to contact us.

Very truly yours,

BENTON J. CAMPBELL
United States Attorney

By:


Marshall L. Miller
Jeffrey H. Knox
Berit W. Berger
Zainab Ahmad
Assistant U.S. Attorneys
(718) 254-6421/7581/6134/6522

cc: Clerk of the Court (DLI) (by Hand)

TO: Clerk's Office
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

APPLICATION FOR LEAVE
TO FILE DOCUMENT UNDER SEAL



U.S.

-v.-
Russell De freitas

SUBMITTED BY: Plaintiff Brett Burger Defendant DOJ
Name: Brett Burger
Firm Name: _____
Address: _____

Phone Number: 718-254-4134
E-Mail Address: _____

INDICATE UPON THE PUBLIC DOCKET SHEET: YES NO
If yes, state description of document to be entered on docket sheet:

(Sealed document and entry)

Letter to M. Whalen & L. Kamdang
from AUSA Berger date 3/30/10

MANDATORY CERTIFICATION OF SERVICE:

A) A copy of this application either has been or will be promptly served upon all parties to this action, B.) Service is excused by 31 U.S.C. 3730(b), or C.) This is a criminal document submitted, and flight public safety, or security are significant concerns.
(Check one)

3/30/10
DATE


SIGNATURE

U.S. DISTRICT JUDGE/HON. MAGistrate Judge
RECEIVED IN CLERK'S OFFICE 3/30/10 DATE